

In the Matter of:

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ALLEGED FAILURE TO COMPLY WITH  
COMMISSION REGULATIONS 807 KAR 5:006  
AND 807 KAR 5:041

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Commission Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 Edition) ("NESC"). It has additionally promulgated Commission Regulation 807 KAR 5:006, Section 24, which requires a utility to adopt and execute a safety program. Both Jackson County RECC and Dobson Power Line Construction Co., Inc. ("Dobson Power") use the American Public Power Association Safety Manual.

Commission Staff has submitted to the Commission an Electrical Utility Accident Investigation Report dated December 2, 1992, appended hereto, which alleges:

1. On October 7, 1992, Terry Parrent, an employee of Dobson Power, was on a pole working on a transformer installation for Jackson County RECC. Lee Isaacs, also an employee of Dobson Power, was in a bucket above Mr. Parrett tying in a single-phase line on the same pole structure. Mr. Isaacs shouted to Mr. Parrett to watch out because he had cut excess wire from the line and did not want it to hit Mr. Parrett. The excess wire fell and caught on a single-phase 7200 volt line near Mr. Parrett. The line contacted Mr. Parrett, causing third degree burns to his right hand and left side.

2. Troy Richardson, foreman for Dobson Power, was the person in charge of the crew and was present at the site when the accident occurred. Mr. Richardson stated he did not know that the pole structure had a double feed into it and that he had deenergized what he believed to be the only feed into the pole structure. He only visually checked the single-phase line which was involved in this accident. He also stated that system grounds were not being used at the work site.

3. NESC Section 42, Subparagraph 420 D., Energized or Unknown Condition, requires employees to consider electric supply equipment and lines to be energized unless they are positively known to be deenergized. Mr. Richardson violated this section when

he considered the line involved in this accident to be deenergized without testing it to be positively sure it was deenergized.

4. NESC, Section 42, Subparagraph 420H., Tools and Protective Equipment, requires employees to use the personal protective equipment, the protective devices, and the special tools provided for their work. Before starting work, these devices and tools shall be carefully inspected to ensure they are in good condition. This section was violated when Mr. Richardson did not use system grounds at the work site.

5. NESC Section 42, Subparagraph 421A., Duties of a First Level Supervisor or Person in Charge, states that this individual shall adopt such precautions as are within the individual's authority to prevent accidents and see that the safety rules and operating procedures are observed by the employees under his supervision. Mr. Richardson violated this section by not adhering to the American Public Power Safety Manual ("APP Safety Manual"), adopted by both Dobson Power and Jackson County RECC.

Section 5, Safety Rule 5:07 of the APP Safety Manual, Working on De-Energized lines and Equipment, states that "[a]ll conductors and equipment shall be treated as energized until tested or otherwise determined to be deenergized and grounded." Section 5, Safety Rule 516 of the APP Safety Manual, Grounding-General, states that "[a]ll previously energized conductors shall be considered energized until tested and properly grounded" and explains the proper procedure for grounding. Mr. Richardson did not test or

otherwise adequately determine the line involved in this accident to be deenergized. The line was also not grounded.

6. At the time of the incident, Terry Parrent, Lee Isaacs, and Troy Richardson were employees of Dobson Power, working for Jackson County RECC, and acting within the scope of their employment.

7. As a result of Mr. Richardson's failure adequately to inspect and ground the line involved in this accident, Jackson County RECC is in probable violation of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:041, Section 3.

The Commission, on its own motion, HEREBY ORDERS that:

1. Jackson County RECC shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Electrical Utility Accident Investigation Report, attached hereto and incorporated herein as Appendix A.

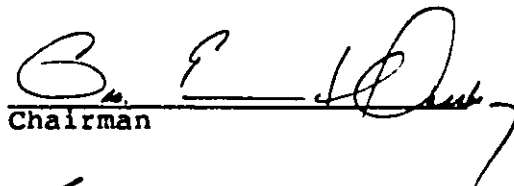
2. Jackson County RECC shall appear on March 22, 1993, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purposes of presenting evidence concerning the incident which is the subject of the Electrical Utility Accident Investigation Report, specifically the alleged violations of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:041, Section 3, and of showing cause, if any it can, why it should not be subjected to the penalties of KRS 278.990 for its alleged failure to comply with Commission regulations.

3. Any motion requesting an informal conference with Commission Staff for the purpose of clarifying issues, stipulating facts, or negotiating a settlement of the case shall be filed with Jackson County RECC's written response to the Electrical Utility Accident Investigation Report.

4. The Electrical Utility Accident Investigation Report dated December 2, 1992 is hereby made a part of the record of this case.

Done at Frankfort, Kentucky, this 9th day of February, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director